

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:05CR582
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
DANIEL JOSIC,)	MOTION FOR ORDER
)	RE: 1565 SCENIC HOLLOW DRIVE,
Defendant.)	<u>ROCHESTER HILLS, MICHIGAN</u>

On December 15, 2008, this Court entered an "Order of Forfeiture of Substitute Property: 1565 Scenic Hollow Drive, Rochester Hills, Michigan". [Dkt. No. 153.] Thereunder, the United States is to initiate an ancillary (forfeiture) proceeding relative to the subject property. See, 21 U.S.C. § 853(n) and Rule 32.2(e)(2) of the Federal Rules of Criminal Procedure. "Particularly, the United States shall provide written notice of [the] order to any third parties potentially having an interest in the substitute property." [Dkt. No. 153, at pp. 1-2.]

During the past several weeks, certain information concerning the substitute property has come to the attention of the undersigned counsel; namely:

1.) By an assignment from New Century Mortgage Corporation, Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-HE3, holds a mortgage against the substitute property. The mortgage was given by defendant Daniel Josic and his wife, Adina Josic. (Exhibit 1: Sheriff's Deed on Mortgage Foreclosure.)

2.) On December 9, 2008, pursuant to a mortgage foreclosure, the

substitute property was sold at sheriff's sale to Deutsche Bank National Trust Company, as trustee. (Id.)

3.) The redemption period runs through June 9, 2009; to wit: six (6) months from the date of the sheriff's sale. (Exhibit 2: Certificate of Redemption Period.)

By this motion, it is respectfully requested that the United States be permitted to delay initiating any ancillary proceeding until the conclusion of the redemption period. Until that time, the United States will not be able to determine how, or if, to proceed with the ancillary proceeding.

Respectfully submitted,

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IT IS SO ORDERED. The United States is hereby permitted to delay the initiation of any ancillary proceeding in this matter until the conclusion of the redemption period. The United States shall submit a status report to this Court on or after June 9, 2009.

Date: February 17, 2009

s/Christopher A. Boyko
Christopher A. Boyko
United States District Judge